

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re:

Case No.: 07-35638-CGM

**MOUNTAIN DAIRIES, INC.,
Debtor**

Chapter 7

**SCHNEIDER-VALLEY FARMS, INC.,
Petitioning Creditor**

v.

**MOUNTAIN DAIRIES, INC.,
Debtor**

**APPELLANT'S DESIGNATION OF RECORD FOR APPEAL
AND STATEMENT OF ISSUES PURSUANT TO
BANKRUPTCY RULE 8006**

The undersigned Appellant filed a Notice of Appeal on July 6, 2007 from the Bankruptcy Court's Order dated June 27, 2007, dismissing the Involuntary Petition (Docket # 19). Pursuant to Federal Rule of Bankruptcy Procedure 8006, Appellant hereby sets forth a statement of issues to be presented on appeal and designates the following items for inclusion in the record on appeal.

Statement of Issues

Did the Bankruptcy Court err in issuing the "Order Dismissing Involuntary Petition" dated June 27, 2007?

Designation of Contents of Record

The following items were filed in the bankruptcy case captioned In re Mountain Dairies, Inc., No. 07-35638-CGM:

<u>ROA Tab#</u>	<u>Dkt#</u>	<u>Description</u>
1	1	Involuntary Petition Under Chapter 11
2	2	Summons in Involuntary Chapter 7 case filed by Clerk of Court
3	3	Summons Service Executed on Mountain Dairies, Inc.
4	4	Summons Service Executed on Mountain Dairies, Inc.
5	5	Answer, Involuntary Petition Contesting the Involuntary Petition and Requesting Dismissal of Petition and Award of Damages filed on behalf of Debtor, Mountain Dairies, Inc.
6	6	Notice of Hearing to consider Answer to Involuntary Peitition filed by Clerk of Court
7	8	Application for Pro Hac Vice Admission filed by Andrew J. Romanow on behalf of Schneider-Valley Farms, Inc.
8	9	Letter to The Honorable Cecelia G. Morris Confirming Rescheduling of Hearing filed by Andrew J. Romanow on behalf of Schneider-Valley Farms, Inc.
9	10	Affidavit of Andrew Wohl in Support of Dismissal of the Involuntary Bankruptcy Petition and Requesting an Award for Damages and Other Relief filed on behalf of Mountain Dairies, Inc.
10	11	Memorandum of Law filed on behalf of Mountain Dairies, Inc.
11	12	Letter Exhibits to Affidavit of Andrew Wohl filed on behalf of Mountain Dairies, Inc.
12	14	Order signed on 6/12/2007 Granting Application for Pro Hac Vice admission of Brian H. Simmons

13	15	Response To Debtor's Memorandum Of Law filed on behalf of Schneider-Valley Farms, Inc.
14		Transcript of Hearing held June 19, 2007
15	16	Memorandum of Law (Supplemental) filed on behalf of Mountain Dairies, Inc.
16	18	Response to Debtor's Supplemental Memorandum of Law filed on behalf of Schneider-Valley Farms, Inc.
17		Transcript of Hearing held June 27, 2007
18	19	Order to Dismiss Involuntary Case
19	20	Certificate of Mailing Re: Order to Dismiss
20	21	Notice of Appeal from Order Dismissing Involuntary Petition filed on behalf of Schneider-Valley Farms, Inc.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, PC

By: /s/ Andrew J. Romanow
 Andrew J. Romanow
 268 Main Street, Suite 201
 Buffalo, New York 14202
 Telephone: (716) 853-2343

-and-

Brian H. Simmons (PA No. 84187) (*pro hac vice*)
 Zakarij O. Thomas (ZT1011)(*pro hac vice*)
 20th Floor, One Oxford Centre
 Pittsburgh, PA 15219
 Telephone: 412-392-2000
 Facsimile: 412-562-1041

Dated: July 16, 2007

Counsel for Schneider-Valley Farms, Inc.